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| 10/697,810  | 10/30/2003  | Warren E. Baxley     | 199-0248US-C        | 9575             |
| 29855 7590 02/03/2010<br>WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,<br>L.L.P.<br>20333 SH 249 6th Floor<br>HOUSTON, TX 77070 |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,810

**Applicant(s)**

BAXLEY ET AL.

**Examiner**

REDENTOR M. PASIA

**Art Unit**

2474

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-10, 12-15 and 32-40 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5, 7-10, 12-15 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 11/13/2009 has been entered. Claim 7 has been amended. No claims have been cancelled. Claim 40 is new. Claims 3-10, 12-15 and 32-40 are still pending in this application of which, claims 6, 32-39 are withdrawn from consideration, with claim 6, 7, 35 and 40, being independent.

### ***Response to Arguments***

- **Rejections under Prior Art**

Applicant's arguments with respect to claim 3-5, 7-10, 12-15 and 40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 40** is rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg et al. (US 6,937,597; hereinafter Rosenberg).

**As to claim 40**, Rosenberg shows a method of adding an additional endpoint to an already active audio conference (Figure 3-5; col. 15-16; note multiparty conferencing which allows an already existing conference to include additional conferees through the use of INVITE messages), the method comprising:

selecting an endpoint not already participating in an audio conference (Figure 3-4; col. 5, line 33 to col. 6, lines 35; note user cz 110 wants to communicate with user henning 210 and further sends an INVITE request 300; further note that the method of Figure 4 is also applied to SIP operations including third or later parties in a conference or multicast call; in this instance, since no communication is established with user henning 210 yet, it can be seen the user henning 210 is not yet participating in an audio conference; see also col. 15-16 regarding multiparty conferencing);

obtaining a destination address for the selected endpoint from a packet-switched conferencing system component (Figure 3-4; col. 6, lines 14-18; note location server 230 (i.e. packet-switched conferencing system) returns a location of hgs@play to proxy server 230 as the location of user henning 210),

providing the destination address to a multipoint control unit managing the audio conference (Figure 3-4; col. 6, lines 14-18; note the location (i.e. hgs@play of user henning 210) is returned (i.e. provided) to proxy server 230);

placing an outbound point to point call from the multipoint control unit to the additional endpoint (Figure 3-4; step 310; col. 6, lines 19-24; note that after receiving the location of user henning 210, proxy server 220 sends a new INVITE request to hgs@play. As in step 300, this INVITE request also contains FROM, TO, and CALL-ID header fields. It is

particularly noted that the call identifier in the CALL-ID header field is the same, in order to maintain an association with the original request.); and

adding the additional endpoint to the audio conference (Figure 3-4; note steps 320 onward details the ACKs and replies from both the caller (i.e. user cz) and callee (i.e. henning) through proxy server 220, further establishing the call between both parties. It is further noted that the method in Figure 3 is also applied to third party not yet included in an established communication/conference. The third party is in general the callee to be invited to the conference. See also col. 15-16 regarding inviting additional conferees to multiparty conferencing.).

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 3, 7 and 12** rejected under 35 U.S.C. 103(a) as being unpatentable over Detampel, Jr. et al (US 5,995,608; hereinafter Detampel) in view of Rosenberg et al. (US 6,937,597; hereinafter Rosenberg).

**As to claim 7**, Detampel shows a method (Figure 1; abstract; method for setting up an on-demand conference call in a telecommunications system) for adding an additional endpoint to an audio conference in a purely packet-switched audio conferencing system, said method comprising:

placing a call from an endpoint (figure 6, step 601, caller dials) to a packet-switched conferencing system component (Figure 3, CACS 301),

said call indicating an audio conference (Figure 6, step 601; col. 9, lines 61-62, caller dials a unique on-demand conference number);

selecting, in a conference allocation and control system (Figure 1, CACS 103; Figure 3, CACS 301) in said audio conferencing system (figure 1, system 10), a multiple control unit (Figure 1; one of bridge servers 101a-101n) to host said audio conference (col. 5, lines 36-38, when an on-demand conference call request comes in, the CACS determines which bridge servers 101 have sufficient availability of ports to handle the on-demand conference call; col. 9, lines 61-66; the steps take place as described above to select the bridge server 101 having enough ports available for the subscriber's maximum call).

Also, Detampel shows in Figure 6 the details of the call flow diagram of the conferencing system. It is noted that step 621 is further detailed in Figure 7 and col. 11, lines 32-63. It is noted that conferees are allowed to enter DTMF commands which are conveyed to a servicing bridge server. The commands provide control over several in-conference options. The

commands include at least access to outside lines for other purposes. However, Detampel does not specifically show what further actions the conferees are allowed to take while in conference.

Detampel shows all of the elements including the multipoint control unit and packet-switched conferencing system component, as discussed above. However, Detampel does not specifically show initiating an outbound call request from said multipoint control unit to said packet-switched conferencing system component, wherein said call request indicates said additional endpoint which is not already participating in the audio conference; returning a destination address from said packet-switched conferencing system component to said selected multipoint control unit, said destination address corresponding to said additional endpoint; and establishing a point-to-point outbound call from said multipoint control unit to said additional endpoint based on said destination address, thereby bringing said additional endpoint into said audio conference.

However, the above-mentioned claim limitations are well-established in the art as evidenced by Rosenberg. Rosenberg shows a method for creating, modifying, and terminating associations between Internet end systems, particularly, but not exclusively, in connection with Internet telephony communication. (see abstract).

Specifically, Rosenberg shows initiating an outbound call request from said multipoint control unit to said packet-switched conferencing system component (Figure 3, step 310; col. 5, line 33 to col. 6, lines 35; note INVITE request received by proxy server 220 may send the target "henning" to a location server 230; further note that as stated in general terms, when the proxy server receives a request (such as an INVITE message) and then forwards the request towards the location of the callee. In a given example, the server responsible for the domain

example.com may forward a call for john.doc@example.com to the server responsible for the address doc@sales.example.com. It is noted that SIP messages (i.e. INVITE) includes operations allowing a third or later parties in a conference or multicast call. See also col. 15-16 regarding inviting additional conferees to multiparty conferencing.),

wherein said call request indicates said additional endpoint which is not already participating in the audio conference. (Figure 3-4, step 310; col. 5, line 33 to col. 6, lines 4; SIP messages (i.e. INVITE) includes operations allowing a third or later parties in a conference or multicast call. It is further noted that the method in Figure 3 is also applied to third party not yet included in an established communication/conference. The third party is in general the callee to be invited to the conference. See also col. 15-16 regarding inviting additional conferees to multiparty conferencing.);

returning a destination address from said packet-switched conferencing system component to said selected multipoint control unit (Figure 3-4; col. 5, line 33 to col. 6, lines 35; note location server 230 returns a location of hgs@play to proxy server 220 as the location of user henning), said destination address corresponding to said additional endpoint (Figure 3-4; col. 5, line 33 to col. 6, lines 35; note hgs@play is the location of user henning.); and

establishing a point-to-point outbound call from said multipoint control unit to said additional endpoint based on said destination address (Figure 3-4; note steps 320 onward details the ACKs and replies from both the caller (i.e. user cz) and callee (i.e. henning) through proxy server 220, further establishing the call between both parties. It is further noted that the method in Figure 3 is also applied to third party not yet included in an established communication/conference. The third party is in general the callee to be invited to the



conference. See also col. 15-16 regarding inviting additional conferees to multiparty conferencing.); thereby bringing said additional endpoint into said audio conference (3-4; col. 5, line 33 to col. 6, lines 35; It is further noted that the method in Figure 3 is also applied to third party not yet included in an established communication/conference. The third party is in general the callee to be invited to the conference. Once the method performs 320 onwards, the invitation to the callee is processed and the callee is included in the conference. See also col. 15-16 regarding inviting additional conferees to multiparty conferencing.).

In view of the above, having the system of Detampel, then given the well-established teaching of Rosenberg, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Detampel as taught by Rosenberg, in order to provide relatively advanced telephony services, beyond call construction and destruction, such as call forwarding and transfer, call holding, camp-on queuing, and also three or more party conferencing (col. 1, lines 14-17)

**As to claim 3**, modified Detampel shows that the step of placing a call, links said endpoint (Detampel: figure 1, user in network 106, 102; Figure 4, user 401-n) to said packet-switched conferencing system component (Detampel: Figures 1, 4, CACS 103) through said packet-switched audio conferencing system (Detampel: Figures 1, 4, 6; col. 8, lines 14-55).

**As to claim 12**, Detampel further shows the step of dynamically routing an operator voice path to service (Examiner interprets this claim limitation as being the same as having an operator being able to service/handle components/servers in a packet switched network; col. 6, lines 58-62, shows the Operator Interface module 305 is the application program interface to the operator/maintenance stations 107, and handles operator request queue management, registration

for operator-monitored bridge events, and operator updates to the subscriber database 104; Figure 6, col. 10, lines 14-67; shows the operator functions when an invalid passcode/PIN was supplied, however, for example purposes, the operator station is shown to interact with bridge 101.; col. 4, lines 65-67; shows operator/maintenance stations 107 is connected to CACS through network 109 to provide operator interaction with system 10, that further includes multiple bridge servers 101a-n) multiple control units (Figure 1, bridge servers 101a-n).

7. **Claims 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Detampel, Jr. et al (US 5,995,608; hereinafter Detampel) in view of Rosenberg et al. (US 6,937,597; hereinafter Rosenberg) in view of Thomas (US 6,421,339 B1; hereinafter Thomas).

**As to claim 4**, modified Detampel shows all of the elements except a location found signal indicating the selected multiple control unit.

However, the above-mentioned claim limitation is well-established in the art as evidenced by Thomas. Specifically, Thomas shows a location found signal indicating the selected multiple control unit (Figure 3, col. 5, lines 25-30; gatekeeper GK 14 may screen or otherwise filter the data received in the LCF message from GK 44 and then send a LCF to the requester or calling endpoint. As will be obvious to network designers, the data returned to the calling party may be limited so that calls must be routed through the home gatekeeper rather than giving the calling endpoint enough data to place a call directly to a roaming user).

In view of the above, having the system of Detampel and then given the well-established teaching of Thomas, it would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the method of Detampel as taught by Thomas, in order to allow the gatekeeper to monitor the contents of all call received by given users (col. 5, lines 32-33).

**As to claim 5**, Detampel shows all of the elements except a location request signal.

However, the above-mentioned claim limitation is well-established in the art as evidenced by Thomas. Specifically, Thomas shows a location request signal (Figure 3, LRQ).

In view of the above, having the system of Detampel and then given the well-established teaching of Thomas, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Detampel as taught by Thomas, in order to allow the gatekeeper to monitor the contents of all call received by given users (col. 5, lines 32-33).

8. **Claims 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Detampel, Jr. et al (US 5,995,608; hereinafter Detampel) in view of Rosenberg et al. (US 6,937,597; hereinafter Rosenberg) in view of Jurkevics et al. (US 5,978,463; hereinafter Jurkevics).

**As to claim 8**, modified Detampel shows all of the elements except supporting full service audio conferencing using a reservation system and a call agent.

However, the above-mentioned claim limitation is well-established in the art as evidenced by Jurkevics. Specifically, Jurkevics shows full service audio conferencing (Figures 2-4; abstract, audio conferencing system) using a reservation system (Figure 4, Autoscheduler 28) and a call agent (Figure 1, client 10, Figure 4, Client program 20 running on Client 10).

In view of the above, having the system of modified Detampel and then given the well-established teaching of Jurkevics, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of modified Detampel as taught by Jurkevics, in

order to provide a substantially less labor intensive approach in audio conference scheduling (col. 3, lines 16-20).

**As to claim 9**, modified Detampel shows that the reservation system and the call agent are tightly integrated (Jurkevics: Figure 4-5, shows the integration of the automatic scheduling system with the client program in scheduling a conference; col. 5, lines 33-48; shows different levels of service, unattended service (no agent attending the audio conference), standard level, and premiere level).

**As to claim 10**, modified Detampel shows that the reservation system and the call agent are loosely integrated (Jurkevics: Figure 4-5, shows the integration of the automatic scheduling system with the client program in scheduling a conference; col. 5, lines 33-48; shows different levels of service, unattended service (no agent attending the audio conference), standard level, and premiere level).

9. **Claims 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Detampel, Jr. et al (US 5,995,608; hereinafter Detampel) in view of Rosenberg et al. (US 6,937,597; hereinafter Rosenberg) in view of Semaan (US 5,680,392; hereinafter Semaan).

**As to claim 13**, modified Detampel shows all of the elements except the step of renegotiating the destination of a voice path to move an audio conference participant from said selected multiple control unit to a second multiple control unit.

However, the above-mentioned claim limitation is well-established in the art as evidenced by Semaan. Specifically, Semaan shows the step of renegotiating the destination of a voice path to move an audio conference participant from said selected multiple control unit to a

second multiple control unit (Figure 2, 5; col. 11, lines 18-25; shows that if a user should wish to establish a conference with conferees who would be handled by the reservation controller of another domain, the bridge controller would pass the reservation request information onto the reservation request channel of the other reservation domain so that the appropriate reservation controller in the other domain could address the request; Figure 2 and 5, shows that each reservation controller is related to an MCU).

In view of the above, having the system of modified Detampel and then given the well-established teaching of Semaan, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of modified Detampel as taught by Semaan, in order to provide the possibility of allowing different MCUs and reservation controllers (of different companies), to interact with each other and share information regarding requests for reservations (col. 5, lines 29-37).

**As to claim 14**, modified Detampel shows all of the elements except the step of moving said audio conference from said selected multiple control unit to a second multiple control unit.

However, the above-mentioned claim limitation is well-established in the art as evidenced by Semaan. Specifically, Semaan shows the step of moving said audio conference (Figure 2, 5; col. 11, lines 18-25; shows that if a user should wish to establish a conference with conferees who would be handled by the reservation controller of another domain, the bridge controller would pass the reservation request information onto the reservation request channel of the other reservation domain so that the appropriate reservation controller in the other domain could address the request; Figure 2 and 5, shows that each reservation controller is related to an

MCU) from said selected multiple control unit to a second multiple control unit (Examiner notes that there is a change in reservation controllers, there is also a change in MCUs).

In view of the above, having the system of modified Detampel and then given the well-established teaching of Semaan, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of modified Detampel as taught by Semaan, in order to provide the possibility of allowing different MCUs and reservation controllers (of different companies), to interact with each other and share information regarding requests for reservations (col. 5, lines 29-37).

10. **Claim 15** rejected under 35 U.S.C. 103(a) as being unpatentable over Detampel, Jr. et al (US 5,995,608; hereinafter Detampel) in view of Rosenberg et al. (US 6,937,597) in view of Semaan (US 5,680,392; hereinafter Semaan).

**As to claim 15**, modified Detampel shows selected multiple control unit (Detampel: Figure 1, bridge server 101a-n) and the streaming protocol server (Rosenberg: col. 19; a conference participant can invite a SIP-speaking RTSP server into an existing conference, so as to appear as just another conference participant. Alternatively, for multicast conferences, an RTSP server can simply be given the same session description as was used for invitations).

However, Detampel does not explicitly show the steps of providing said audio conference to a server from said selected multiple control unit; connecting a passive participant to said streaming protocol server; and broadcasting said audio conference from said streaming protocol server to a said passive participant.

However, the above-mentioned claim limitation is well-established in the art as evidenced by Semaan. Specifically, Semaan shows the steps of providing said audio conference to a reservation controller from said selected multiple control unit (Figure 2, 5; col. 11, lines 18-25; shows that if a user should wish to establish a conference with conferees who would be handled by the reservation controller of another domain, the bridge controller would pass the reservation request information onto the reservation request channel of the other reservation domain so that the appropriate reservation controller in the other domain could address the request; Figure 2 and 5, shows that each reservation controller is related to an MCU);

connecting a passive participant to said reservation controller (col. 11, lines 18-25; col. 5, lines 20-29; if users 112c, 112e, 112f, 112g, 112h, and 112j should wish to participate in a multimedia conference, the services of the four different MCUs 126a-126d will be required. Thus, the two reservation controllers 130a, 130b must be contacted to reserve appropriate access and processing of the MCUs.); and

broadcasting said audio conference from said reservation controller to a said passive participant (col. 8, line 65 to col. 9, line 9; shows that the conference mode includes broadcast monologue and broadcast dialogue).

In view of the above, having the system of modified Detampel and then given the well-established teaching of Semaan, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of modified Detampel as taught by Semaan, in order to provide the possibility of allowing different MCUs and reservation controllers (of different companies), to interact with each other and share information regarding requests for reservations (col. 5, lines 29-37).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REDENTOR M. PASIA whose telephone number is (571)272-9745. The examiner can normally be reached on M-F 7:00am to 3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank Duong/  
Primary Examiner, Art Unit 2474

/Redentor M Pasia/  
Examiner, Art Unit 2474